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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,229	10/31/2000	Todd S. Bowser	MATP-596US	1290

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RATNERPRESTIA
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VALLEY FORGE, PA 19482-0980

EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 08/13/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

17

Office Action Summary

Application No.
09/702,229

Applicant(s)

Bowser

Examiner

Victor Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 2, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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1. Applicant's arguments with respect to the rejections based on Humpleman have been considered but are moot in view of the new ground(s) of rejection. The examiner regrets prolonging prosecution.

2. Claims 1-11 and 13 are now rejected under 35 U.S.C. 102(e) as being anticipated by Horlander.

The system of Horlander (noting any one of the embodiments shown as elementary components in Figs. 3-5) includes a television receiver 110 or 130 which receives at an input (not shown) digital MPEG television signal (e.g. col. 3 line 1 and lines 28-31; col. 4 lines 63-66) as well as auxiliary (ancillary) data (e.g. col. 1 lines 49-50). The receiver extracts the auxiliary data from the received composite input stream by an inherent controller (not shown: e.g. col. 4 line 63 - col. 5 line 19), wherein the auxiliary data is transferred to a shared device 129, 105, 125; e.g. col. 3 lines 32-36; col. 4 lines 54-60; col. 5 lines 6-11 and 34-37) through a communications channel, thereby meeting claim 1.

As for claim 5, in order to be able to communicate the ancillary data to the shared device, the proper communication channel protocol *must* be used, therefore such is inherent.

As for claim 9, receiver 110 (or 130) is a front end device since it receives the incoming composite data stream, wherein it includes inherent interface hardware for disassembling and decoding the digital MPEG data into the audio, video and ancillary data components, the A/V programming being presented on monitor 100 (noting again that the system components shown

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are elementary). The claimed remote control receiver reads on the VCR 129, 105 or 105, which receives an initialization signal which reads on the configuration data of Horlander (e.g. col. 3 lines 32-38); box 110 (or 130) disassembles the composite input MPEG stream into respective video and audio components by internal inherent processing circuitry; VCR 129, 105 or 125 also includes internal inherent control hardware receptive of the initialization data and for receiving the passed A/V data, as well as data signals and further control signals (such as text, conditional access, display format: col 4 lines 3 lines 48-54; col. 4 lines 46-53); a further inherent interfacing between the box 110, 130 and the monitor 100 for driving the A/V signals for presentation; and a shared data decoder inherent to VCR 129, 105 or 125 which decodes and formats the received data which would necessarily be in compliance with a communication protocol between the box and the VCR.

As for claims 2, 6 and 10, the initial receiver can be a set-top box (noting element 110 and col. 3 line 30).

Regarding claim 11, the shared data decoder is internal to the VCR device.

As for claims 3, 4, 7, 8 and 13, the device can be a digital VCR (col. 3 lines 28-31; col. 4 line 66 - col. 5 line 11).

3. Claim 13 is now rejected under 35 U.S.C. 103(a) as being unpatentable over Horlander.

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The examiner takes Official notice that including buffering would have been obvious to one of ordinary skill in the art to incorporate in any stage of the data transfer process buffering is a very well known method for controlling serial data transfer.

4. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al.

Eyer (Figs. 1, 2) combines auxiliary data with a television signal (noting MUX 115) which is received at a subscriber station 180. The auxiliary data is removed from the composite data stream and is applied to a shared device which can be any of various appliances including a heating or air-conditioning device, washing machine, or security system (e.g. col. 12 line 65 - col. 13 line 3) as well as other TV-related devices (continuing through lines 3-8). His auxiliary data is in the form of HTML/HTVP pages (e.g. col. 13 lines 48-56).

Although not specified, it would have been clearly obvious to first transmit a type of control signal for initializing the processing of any of the shared television or non-television devices by first identifying the type of device, for the clear purpose of sending the appropriate data corresponding to the type of device selected to be operated (a VCR, washing machine, and security system, for example, are substantially dissimilar devices which process data very differently and in different formats). It would therefore have been obvious to format the HTVP pages upon identifying the device to be controlled by the HTVP auxiliary data, thereby meeting claim 14.

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As for claim 15, if it is determined that plural pages of auxiliary data are need to be sent to the selected device for proper operation, it would accordingly have been obvious to accommodate the receiver therefor, which would carry out the operation to completion.

As for claim 16, the shared device can be a digital VCR col. 13 lines 2-12).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is informed that Miller (cited in the last Office action) and Dinwiddie also anticipate several claims, and Eyer can also be applied to other claims already rejected. They were not applied in order to not be repetitive and exhaustive in having multiple rejections drafted.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (703)-305-4374. The examiner can normally be reached on Monday through Friday from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone (703) 306-0377.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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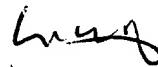
or faxed to:

(703) 872-9314 (For either formal or informal communications intended for entry. For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Victor R. Kostak

Primary Examiner



VRK

8/8/03